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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,459	04/19/2004	Frank Abrams		2977

7590 06/15/2006  
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CANADA

EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/827,459

Applicant(s)

ABRAMS ET AL.

Examiner

EDWYN LABAZE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 1-15 are presented for examination.
2. This application claims the benefits of 60/463,438 filed on 4/17/2003 and 60/534,991 filed on 01/09/2004.

### ***Specification***

#### **Arrangement of the Specification**

3. The disclosure is objected to because of the following informalities: The applicant is respectfully requested to amend the format of the specifications so as to include each of the following titles/sections:

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (d) BRIEF SUMMARY OF THE INVENTION.
- (e) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (f) DETAILED DESCRIPTION OF THE INVENTION.
- (g) CLAIM OR CLAIMS (commencing on a separate sheet).
- (h) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

Furthermore, the applicant discloses a list of references {herein not a considered as IDS}.

The applicant is requested to file a PTO-1449 {Information Disclosure Statement}, if the listed references are to be on the record.

Appropriate correction is required.

*Claim Objections*

4. Claims 1-15 are objected to because of the following informalities:

Re claim 1: The applicant is respectfully requested to amend the claim so as to disclose a proper claim format, wherein a claim format should start with an “A system” for the independent claim and “The system of claim 1”. For example, the claim sections should begin:

Claims/What is claimed:

1. A system comprising embedded and remote software ... along with the management and restart of multiple moveable devices, from failures or power outages, and changes in network addresses.

The applicant is requested to amend the following objections from claim 1:

Substitute the term “such as” with “at least one of”.

Re claim 13: Substitute “A second claim that the present invention, in the following ways is a non-obvious system...” with “ A system...”

Delete “the limitations “this capability specifically enabled by the present invention’s addition of hardware controllers...”

Re claim 14: Substitute: “A third claim that the present invention is unique, useful and non-obvious in that most prior claims referenced, refer to marketing activities at the POS checkout” with “A POS checkout ...”

The applicant should disclose in the claims limitations pertinent to the invention, use the specifications to further explain the claimed invention, and try as much as possible to avoid any explanation in the claims. Furthermore, the applicant is requested to remove the “Field of the Invention” form the last page of the claim. The examiner notices that the applicant may be a Pro-

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Se, and not too familiar with the proper claimed language format of a patent applicant. The applicant is respectfully invited to contact the examiner for further help.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mault et al. (US 2002/0027164).

Re claims 1, 3, and 13-15: Mault et al. discloses portable computing apparatus particularly useful in a weight management program, which includes portable/moveable device 10 {having bar code reader 23 for scanner the barcodes of the packaging of food products, an imaging device 26} could contain a product identity code, a price or discount, an authorization code, and nutritional information (see paragraph 68+); the PDA 40 further includes a real time clock (paragraph 73), a voice recognition software (paragraph 57), a diet logging software (paragraph 58), and an image analysis software (paragraph 89). Mault et al. further discloses a printing device (paragraph 53), remote wireless communications (paragraph 64+).

Re claim 2: Mault et al. teaches a system and method, wherein the shopper may use the PDA to pay for selected items (paragraphs 61-65).

Re claims 4-5: Mault et al. discloses a system and method, wherein a shopping list may be generated based on usual purchase habits (paragraphs 66+).

Re claim 6: Mault et al. teaches a system and method, wherein the retailer provides promotional or other marketing considerations (paragraph 59).

Re claim 7: Mault et al. discloses a system and method, wherein a person may instruct the PDA to take advantage of any discounts available, or to retain product loyalty to certain brands (paragraph 57).

Re claim 8: Mault et al. teaches a system and method, further comprising a pushbutton 64 (paragraph 89).

Re claims 9-10: Mault et al. discloses a system and method, further comprising shoppers to enter identification data over the Internet (paragraphs 54, 59, 62, 68, 74, 86-87).

Re claim 11: Mault et al. teaches a system and method, further comprising means of enabling the users to manage and change text and graphics display [herein a person with peanut allergies may enter that information into the personal health database} (paragraph 56+).

Re claim 12: Mault et al. discloses a system and method, further comprising means of enabling electronic coupon to be redeemed at a POS checkout/cash register (paragraphs 62+).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Powell (U.S. 5,887,271) teaches system and method for locating products in a retail store.

Hassell (US 2001/0042010) discloses electronic offer method and system.

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Katz (US 2002/0107729) teaches method and system for timing promotions based on a prior receipt of promotions.

Marshall (US 2004/0054575) discloses system, method and apparatus for distributing and redeeming customer selected coupons.

Beck (US 2004/0243464) teaches sponsored promotions method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
June 5, 2006



**THIEN M. LE**  
**PRIMARY EXAMINER**